

exercise, the effective date should be proof positive.

And those, Mr. President, are the facts.

I must admit it has been a few years since I was in law school. So after I learned about all these special deals, I went back to the first amendment to look for an asterisk or something indicating that only large, entrenched, and wealthy special interests get the “freedom of speech.” I went and looked at the first amendment again to look for an asterisk or something indicating that only large, entrenched, and wealthy special interests get the “freedom of speech.”

I could not find it. So I pulled out this *Analysis and Interpretation of the Constitution*, thinking maybe it could be found there. I looked and looked, again, to no avail. Then it occurred to me, perhaps on that winter day in 1791, when the first amendment became effective, these rights were meant to apply to everyone—everyone. Perhaps it is true the first amendment was adopted to protect the people from the Congress, to protect them from laws such as this one, to protect them from a government that picks winners and losers, to protect them from an overreaching government that is supposed to derive its powers from the consent of the governed.

This DISCLOSE Act is not about reform. It is nothing more than Democrats sitting behind closed doors with special interest lobbyists choosing which favored groups they want to speak in the 2010 elections, all in an attempt to protect themselves from criticism of their government takeovers, record deficits, and massive unpaid-for expansions of the Federal Government into the lives of the American people. In other words, this is a bill to shield themselves from average Americans exercising their first amendment rights of freedom of speech.

Americans want us to focus on jobs, but by taking us off the small business bill and moving to this one, Democrats are proving the jobs they care about the most are their own. By moving off of the small business bill and moving on to this one, our Democratic friends are letting us know the jobs they care about the most are their own. Think about it. Here we are in the middle of the worst recession in memory, and Democratic leaders decided to pull us off a bill that is meant to create jobs in an effort to pass this election-year ploy to hold on to their own jobs. What could be more cynical than that? A “yes” vote on this bill will send a clear message to the American people that their jobs aren’t as important as the jobs of embattled Democratic politicians.

In closing, let me just note that hundreds of ideologically diverse organizations oppose this bill and have provided us with valuable information on its various absurdities. But I think the ultimate test of this bill’s legitimacy is pretty simple. If the Founding Fathers

were here, they would remind us. They would hold up the Constitution and remind us of the oath we took to support and defend it.

As Members cast this vote today, they will come to the well and look at the desk to see what the well description says—the sheet of paper that sums up what this vote is about. On the Democratic side, I am sure it will include words such as “transparency” and “disclosure” and talk about the threats to democracy if the bill isn’t passed. On our side, it will be simpler. The copy of the Constitution will serve as our well description, and, more importantly, it will remind us of why we are all here. We are here to protect the Constitution, not our own hides.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the majority has 15 minutes, and I yield to Senator SCHUMER whatever time he may use. I would also alert Members that the vote may be more than 15 minutes from now because I may have to use some of my leader time.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank the leader for yielding.

First, all votes cast in this body are important, but it is rare that a single vote can so unmistakably reveal whose side you are on. Make no mistake about it, with today’s vote, we are picking sides, and no amount of words, no amount of sophistry in terms of explanations of calling black white and white black can change that around.

At a time when the public’s fears about influence of special interests are already high, this decision by the Court stacks the deck even more against the average American. And my good friend from Kentucky is defending the average American? The average American who sets up a 501(c)(4) and spends tens of millions of dollars to get his views made known or the average American who puts out 3,400 ads, without his or her name on them, to vilify a candidate for reasons unstated? That is not the average American. We know that. It is very clear who is defending the average American: those of us who support the DISCLOSE Act.

My friend from Kentucky is worried about transparency in this body all of a sudden but doesn’t speak for a bill that brings transparency to our politics. No one can argue that this bill brings less transparency. No one can argue that.

We know what is going on here. There are visions—visions in people’s heads of Karl Rove spending \$50 million, funded by people we don’t know, to attack candidates for reasons we are not sure of, and never putting their name to it.

If you believe in transparency, you believe in the DISCLOSE Act. If you believe in transparency, you believe that someone who has the ability through their wealth, whether they be

a corporation or an individual or a candidate, should put their name on the ad they are putting forward over and over and over again. Transparency? This bill stands for transparency.

I would challenge any of my Republican colleagues to come forward with a bill that pierces through the veil of secrecy the Supreme Court decision allows. As for that great Constitution which we revere, eight of the nine Justices said disclosure was certainly constitutional, and they even went out of their way to say it is the right thing to do. We know why the other side doesn’t want to do it. They are talking about Democrats not wanting to be attacked. No one wants to be attacked. All we are saying is, if you are going to attack us, put your name on the ad. And the other side is resisting that. We know why. Because with some of the ads that are run—by everybody—if you don’t have to put your name on them, there is less of a reason to stick to the truth and stick to the facts. That is why for years we have put this burden on ourselves. We said that we as candidates have to stand by our ad. Why shouldn’t big corporations have to stand by their ad? I would like anyone on the other side to answer that question.

This is all about secrecy, not free speech. No one is saying they can’t run ads. The Constitution now allows it, even out of corporate treasuries, but the Constitution allows and smiles upon greater free speech disclosure.

So you can talk all about the process: “I was surprised we are going off the jobs bill.” For how many months and weeks and hours through procedural delays has the other side kept us from going to various jobs bills? All of a sudden, when it comes time to lift the veil of secrecy on these ads, all of a sudden they say: Let’s get back to a jobs bill. Oh, no. This fight will continue.

I spoke to some of my colleagues on the other side of the aisle. They were very sincere. Many of them, a good number, said to me: We should have disclosure, but the pressure is too great because this act would undo much of the electoral advantage that Citizens United—just due to the way our politics works now—would bring to the other side of the aisle. One of them said to me: It is skins and shirts. No one can deviate from the party line. So the opposition to this act is defending the Constitution when the Constitution upholds and supports disclosure; is defending the average guy when the average guy or gal has no opportunity to run these ads; is defending fairness and equality when it is only a limited, privileged few who will have the ability to put these ads on over and over and over again. That is not playing straight and not playing fair with the American people.

We have made this bill a fair bill that treats all sides equally. Some say: Well, there is a \$600 limitation. Of course, but that has nothing to do with unions or corporations. If you spend